

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ROD SLAPPY-SUTTON, and
JEAN SUTTON, h/w,
Plaintiff,**

v.

**SPEEDWAY LLC,
Defendant.**

CIVIL ACTION

NO. 16-4765

ORDER

AND NOW, this 22nd day of June, 2018, upon consideration of Defendant's, Speedway LLC, Motion for Summary Judgment (Document No. 11, filed October 6, 2017), Plaintiffs Rod Slappy-Sutton and Jean Sutton's Response to Defendant Speedway LLC's Motion for Summary Judgment (Document No. 13, filed October 20, 2017), for the reasons set forth in the accompanying Memorandum, dated June 22, 2018, **IT IS ORDERED** that Defendant's Motion for Summary Judgment is **GRANTED. JUDGMENT IS ENTERED** in **FAVOR** of defendant, Speedway LLC, and **AGAINST** plaintiffs, Rod Slappy-Sutton and Jean Sutton.

IT IS FURTHER ORDERED that Defendant's, Speedway LLC, Motion to Preclude the Testimony of Keith A. Bergman, P.E. (Document No. 12, filed October 7, 2017) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the Clerk of Court shall **MARK** this case **CLOSED**.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.